

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

R.F. MACDONALD CO., and CLEAVER-
BROOKS, INC.,

Plaintiffs

v.

SIERRA BOILER SERVICE, INC., PYRO
COMBUSTION AND CONTROLS, INC.,
CANDICE GEORGE, THOMAS WILEY,
and GARY PFIZENMAYER,

Defendants

Case No.: 3:21-cv-00045-APG-WGC

**Order Regarding Highly Sensitive
Documents**

The plaintiffs submitted to the clerk's office five exhibits to their motion for temporary restraining order, designating them as Highly Sensitive Documents (HSD) under the court's January 15, 2021 announcement regarding HSD. I have reviewed these documents, and they do not appear to fall within the definition of HSD. The court's definition focuses on information that is important to national security and "sensitive commercial information likely to be of interest to foreign powers."¹ The documents submitted by the plaintiffs appear to be confidential business information that might be sealed if it satisfies the standard under *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). But that does not satisfy the definition of HSD.²

The plaintiffs have not explained why the exhibits they have submitted qualify as HSD. I therefore order the plaintiffs to submit to my chambers, for *in camera* review, a letter explaining why the documents qualify as HSDs. The letter should be submitted by February 2, 2021. The

¹ <https://www.nvd.uscourts.gov/wp-content/uploads/2021/01/HSD-Guidance-for-Website-Final-1-15-2021.pdf> (last accessed 1/22/21).

² See *id.* at ¶ 1(c)(v).

1 plaintiffs shall send a copy of that letter to the defendants' lawyers to avoid *ex parte*
2 communication. I then will decide whether the documents should remain protected as HSD.

3 DATED this 22nd day of January, 2021.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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